

CHAPTER 4**PAYMENT IN CASES OF VOID, VOIDABLE, OR
REJECTED ENLISTMENTS OR INDUCTIONS****0401 VOIDABILITY OF CONTRACT**

A fraudulent contract of enlistment or induction is not void but is voidable at the option of the government. When the government becomes aware of the fraud, it may void the contract or waive the objection and allow the contract to stand. (See Table 4-1.)

0402 FRAUDULENT ENLISTMENTS-PAY AND ALLOWANCES

Members under investigation or determined to be serving in fraudulent enlistments are due pay and allowances for periods shown in Table 4-1.

0403 DONATIONS AND TRAVEL PAYMENTS

See Chapter 35, of this volume.

0404 DISBURSING OFFICER ENTITLED TO CREDIT

A disbursing officer is entitled to credit for proper payments to a member who fraudulently enlisted, if payments were made without the knowledge of the fraud and before the government rescinded the contract.

0405 FAILURE TO DISCOVER PHYSICAL CONDITION OF ENLISTEE OR INDUCTEE

Failure to discover that the physical condition of an enlistee or inductee was such as would warrant rejection for military service does not deprive member of right to pay and allowances or of the status of being entitled to basic pay. (See Table 4-1.)

VOID, VOIDABLE OR REJECTED ENLISTMENTS OR INDUCTIONS—PAY AND ALLOWANCES			
R U L E	A	B	C
	When an individual	and	then pay and allowances
1	is under investigation for a fraudulent enlistment or induction		will continue to be paid until a determination of fraud is made.
2	is determined to be serving under a fraudulent enlistment or induction; or enlists in the Army or Air Force before 17 (male) or 18 (female), and the government discovers the defect after the member reaches minimum age; or enlists in the Army or Air Force while 17 (male), 18, 19, or 20 (female), without parent's or guardian's consent	the government neither voids the enlistment or induction nor waives the fraud (or defect)	are suspended (including unpaid pay and allowances) from the date the disbursing officer is notified of the determination of fraud until the government either voids the enlistment or induction, or allows it to stand.
3		the government voids the enlistment or induction	will not be paid (note 1).
4		the government waives the fraud (or defect)	continue and the service is as valid as that of any other member.
5	enlists in the Army or Air Force before 17 (male) or 18 (female), and the government discovers the defect before the member reaches minimum age		do not accrue between date of notification to disbursing officer and date of discharge (note 1).
6	enlists in the Army or Air Force while 17 (male) or while 18, 19, 20 (female), without parent's or guardian's consent	is discharged upon application of parent or guardian	accrue to include the date of discharge or release.
7	enlists in the Navy or Marine Corps while under the minimum statutory age (17)(male), or while under the minimum statutory age (18) or administrative age (21) (female)		
8	was judicially declared to have been mentally incompetent before entry on active duty	is released from military control for such reason	do not accrue for any part of the period involved (note 2).
9	was not judicially declared to be mentally incompetent before entry on active duty but is later found to have been mentally incompetent at the time of entry on active duty	is released from military control for such reason	accrue from the time of entry on active duty until release from military control.
10	enlisted or inducted into the Military Service is discovered by Military Service medical authorities to have been medically unfit for induction at the time of entrance into the Military Service		accrue from the time of entry on active duty through the date of release from military control.

NOTES:

1. Individual retains amounts received before disbursing officer is notified, if otherwise proper.
2. Individual retains amounts received while performing active duty before release from military control.

Table 4-1. Void, Voidable or Rejected Enlistments or Inductions—Pay and Allowances